

MINUTES

UTAH OSTEOPATHIC PHYSICIAN AND SURGEON'S LICENSING BOARD MEETING

April 21, 2011

Room 402 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 9:02 A.M.

ADJOURNED: 12:16 P.M.

Bureau Manager:
Board Secretary:
Compliance Specialist:

Noel Taxin
Karen McCall
Kent Barnes, Sr. Business Analyst

Board Members Present:

Warren A. Peterson, DO, Chairperson
Jane W. Brown
Keith P. Ramsey, DO
Noel C. Nye, DO
Layne A. Hermansen, DO

DOPL Staff Present:

Judi Jensen, Assistant Attorney General

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the January 20, 2011 Board meeting were read.

Dr. Ramsey made a motion to approve the minutes as read. Ms. Brown seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

9:20 am

Kent Barnes, Compliance Update

Mr. Barnes updated the Board regarding the compliance or non-compliance of probationers.

Mr. Barnes reported **Dr. Larry G. Andrew** is currently in compliance with his Stipulation and Order. He stated Dr. Andrew's supervisor was out of

town all of April and will be out of town part of June and all of July.

Ms. Taxin explained Dr. Andrew's supervisor has communicated well but there is a concern that Dr. Kronmiller will be out of town. She asked if Dr. Andrew should have a different supervisor during Dr. Kronmiller's absence.

Dr. Peterson asked if it would be effective to bring in a new supervisor who does not have the background with Dr. Andrew that Dr. Kronmiller has.

Ms. Taxin responded she could visit Dr. Andrew's office once a month and conduct a review or a Board member could take that responsibility. She stated there has been no reason to believe there are any problems as there have been no complaints and Dr. Kronmiller's reports have been positive. She stated surveys have not been received since the end of February but it is not a requirement. Ms. Taxin suggested the Board request the survey be revised and sent to all patients this next quarter and have them returned to Dr. Andrew or submitted directly to the Division.

Dr. Peterson volunteered to drop in on Dr. Andrew as he is in the same area.

Ms. Taxin requested Dr. Peterson check with Dr. Andrew's staff to be sure the office is running appropriately. She stated the Board should inform Dr. Andrew of Dr. Kronmiller's notification of intent to be absent and that a Board member will drop in randomly for April and July.

Mr. Barnes reported Dr. Raymond L. Bedell is currently out of compliance with his Stipulation and Order as Dr. Kevin R. Duke has not yet submitted his letter of having read the Stipulation and Order and willingness to supervise Dr. Bedell and submitted a copy of his resume. He stated the lack of information has resulted in Dr. Duke not being approved to

supervise. Mr. Barnes stated the requested psychological evaluation has not been received. He stated due to time constraints Ms. Harry will no longer be able to continue contacting Dr. Bedell regarding his non-compliance or to remind him to submit information. He questioned if Dr. Bedell is taking his probation seriously and if he is taking responsibility for his actions. He stated a letter of non-compliance was sent out January 27, 2011.

Dr. Peterson stated the Board has also been concerned about the lack of taking responsibility Dr. Bedell has shown. He asked if the January 27, 2011 non-compliance letter was sent by certified mail.

Ms. McCall responded no.

Dr. Peterson asked if Dr. Bedell opened his second location.

Ms. Taxin responded yes. She stated Pam is the chaperone at the Ogden site and Sarah is the chaperone at the original site. Ms. Taxin stated the chaperone logs still do not have the procedure listed and patient information has been dropped. She stated a couple of days ago amended chaperone logs were submitted to the Division. Ms. Taxin stated Ms. Harry called Sarah who stated Dr. Bedell is in the process of hiring a nurse and Sarah asked if a nurse could act as chaperone while she is out on maternity leave. She stated Ms. Harry informed Sarah that Dr. Bedell should be calling her with these questions. Ms. Taxin stated she contacted Dr. Houston the week of the past Board meeting and he stated Dr. Bedell had not contacted him. She stated Dr. Houston stated he was not comfortable doing another evaluation for Dr. Bedell and he recommended Dr. Bedell be evaluated by a psychiatrist. Ms. Taxin reminded the Board that they recommended an Order to Show Cause at the January meeting if nothing was submitted. She stated she did send information to investigations and then the AG's office but she is not sure the Board should discuss it with him today

other than to inform him that he will be receiving information in the mail shortly to address his non-compliance and the potential hearing. She stated usually the proposed supervisor talks with her or meets with the Board and Dr. Duke has not called her or met with the Board. Ms. Taxin stated it also appears Dr. Bedell has decreased his case load of patients. She stated there were about 12 patients with both sites combined for a month. She stated Ms. Harry believed Dr. Bedell might be using the APRN more but his CS database indicates he is prescribing to patients. She stated if he is not practicing medicine but is managing both clinics then his probation time will not count. She stated he will need to explain to the Board.

Dr. Hermansen commented the chaperone logs still do not have specific procedures listed, they just say re-evaluation. He reminded the Board that Dr. Bedell had said he is no longer seeing female patients.

Dr. Nye clarified Dr. Bedell had stated he was not seeing any new female patients.

Ms. Taxin requested the Board to review Dr. Bedell's CS prescriptions information to determine if the listed patients are on the chaperone log or should be on the chaperone log. She voiced concern in the significant drop of patients being seen this last quarter.

Dr. Ramsey commented the Board has given Dr. Bedell multiple opportunities to submit information and to be in compliance. He asked how long the Board/Division will allow him to do nothing on the conditions of his probation. He stated the Board responsibility is to protect the public and the public will wonder why the Board has let this situation continue.

Ms. Taxin responded there could be specific conditions spelled out in the Order to Show Cause.

Mr. Barnes reported **Dr. Douglas D. Callahan** is currently in compliance with his Stipulation and Order. He stated Dr. Callahan's probation is scheduled to terminate today. He stated Dr. Callahan is still writing a lot of controlled substance prescriptions. Mr. Barnes stated Dr. Callahan has been out of compliance twice, June 2007 and April 2010.

Dr. Peterson commented Dr. Callahan has improved on the number of CS prescriptions he is writing but the Board is aware he is still writing large numbers.

Dr. Hermansen stated the CS prescriptions are mostly for pain medication or benzo's. He stated Dr. Callahan inherited many patients from another physician and has referred several to pain clinics.

Ms. Taxin stated she believes Dr. Callahan has been scaling down but several patients were referred back to him. She reminded the Board of their discussion with Dr. Callahan's supervisor, Dr. LaRowe, at the last meeting who had stated Dr. Callahan is doing well and he had no concerns. She suggested the Board recommend Dr. Callahan continue to pull the database and refer chronic pain patients out to other practitioners as that is not his specialty.

Dr. Ramsey commented he believes Dr. Callahan has learned what he needs to learn from the probation process and is now more aware.

Ms. Taxin stated Dr. Callahan also has his peer support and she suggested the Board recommend he follow up with that support.

Mr. Barnes asked if Dr. Callahan is to submit a final letter requesting termination of probation.

Ms. Taxin responded his probation is not being terminated early so he would not be required to submit a letter of request but she requested him to discuss what he learned from the process.

Mr. Barnes reported **Dr. Vaughn T. Johnson** is currently in compliance with his Stipulation and Order. He stated Dr. Johnson was going to provide his last CME certificate which has not yet been received. Mr. Barnes stated Ms. Taxin had requested him to write a plan regarding how he will supervise PA's in his office and that has not yet been received.

Ms. Taxin stated she believes Dr. Johnson has made changes. She stated he was on probation previously and was unsuccessful due to being out of compliance. She stated she believes he is committed to the probation process and seems to understand the benefit of being in compliance.

9:30 am

Dr. Larry G. Andrew, Probationary Interview

Dr. Andrew met for his probationary interview.

Mr. Barnes was introduced.

Ms. Brown conducted the interview.

Ms. Brown informed Dr. Andrew that he is in compliance with his Stipulation and Order and has been for awhile. She asked Dr. Andrew about the surveys he was handing out to patients as the Division has not received any since February 2011 and the Board/Division would like those surveys to continue for now.

Dr. Andrew responded he talked with his staff regarding the surveys and they indicated they have not given as many out recently. He stated he will have another talk with them.

Ms. Brown stated the surveys received indicate Dr. Andrew's patients like him and believe he is knowledgeable.

Ms. Taxin suggested Dr. Andrew revise the survey a little, send it out to all his patients with a request to return it to him or to the Division. She stated he could tell his patients it helps him to offer a better

service if they will complete the survey and return it and it will give Dr. Andrew feedback. Ms. Taxin stated Dr. Andrew might try doing a computer based survey with the "Survey Monkey" which would give him an immediate response. She stated which ever way Dr. Andrew decides to administer the survey they will need to be completed for review at the July 21, 2011 meeting.

Ms. Brown informed Dr. Andrew of receiving Dr. Kronmiller's letter notifying the Board/Division of his being out of the country all of April, the later half of June and all of July. She stated the Board changed the supervision visits to once a month at the January 20, 2011 meeting. Ms. Brown stated the Board discussed the issue of supervision prior to Dr. Andrew's appointment and decided there are two options; 1. to have Ms. Taxin or Dr. Peterson drop in for a couple of surprise visits to observe and review his performance, or 2. for Dr. Andrew to obtain a new supervisor.

Dr. Andrew requested option 1 for Ms. Taxin or Dr. Peterson to drop in. He stated his office hours are Monday through Friday from 9:00 am until 5:00 pm but Friday and Monday afternoons he is under contract with a group in Draper.

Ms. Taxin requested Dr. Andrew to complete the paperwork of notification for the Draper position and submit it to the Division. She asked if he has a supervisor at the Draper location.

Dr. Andrew responded it is more of an employer arrangement where the clinic pays him after each visit.

Ms. Taxin explained the Draper clinic will have to complete the employer report and include a statement they have read his Stipulation and Order. She suggested Dr. Andrew go to the DOPL website, review the suggested practice plan and write his practice plan for the Draper clinic. She stated the Board has agreed to allow Dr. Kronmiller to continue as his supervisor.

Ms. Taxin commented one chaperone log entry had the procedure entered but was not signed. She requested he be sure the log is filled out.

Ms. Brown asked if Dr. Andrew is still going to therapy.

Dr. Andrew responded he is still in therapy and met with his therapist a few days ago.

Ms. Brown stated the last report from Dr. Andrew's therapist was very positive.

Dr. Andrew stated he is scheduled to be out of town July 21, 2011.

Ms. Taxin asked if the Board would excuse him from meeting in July as he has a family engagement.

Board members responded yes.

Ms. Taxin reminded Dr. Andrew that everything will still need to be submitted.

Ms. Taxin asked if Dr. Andrew feels different now than he did the first few times he met with the Board.

Dr. Andrew responded he is now less irritated, has had a few staff issues but overall there is a big difference.

Ms. Taxin reminded Dr. Andrew he is welcome to call her if something comes up and he is unable to reach Dr. Kronmiller. She stated she and the Board are here to help him be successful in his probation.

An appointment was made for Dr. Andrew to meet again October 6, 2011.

9:45 am

Dr. Raymond L. Bedell, Probationary
Interview

Dr. Bedell met for his probationary interview.

Mr. Barnes was introduced.

Dr. Hermansen conducted interview.

Dr. Hermansen asked how Dr. Bedell is doing with working at his two different practices and about how many patients he is seeing.

Dr. Bedell responded he has hired an APRN who will start soon and he is running both locations for now. He stated Sarah is still working with him. He stated he sees about 15 patients a day.

Dr. Hermansen asked Dr. Bedell if he is happy with his practice.

Dr. Bedell responded no. He stated he would stop now if he could. He stated he is waiting for his patent to come through.

Dr. Hermansen explained Dr. Bedell has invented a catheter and is in the process of obtaining a patent. Dr. Hermansen stated the agreed upon information from the proposed supervisor has not been received.

Ms. Taxin reminded Dr. Bedell he committed to have his proposed supervisor, Dr. Duke, submit a letter saying he has read Dr. Bedell's Stipulation and Order and agreeing to supervise and assist Dr. Bedell in being successful in his probation and to submit his resume. She stated Dr. Bedell agreed to have the information on her desk by January 24, 2011. Ms. Taxin stated a letter was sent on January 27, 2011 regarding the missing information.

Dr. Hermansen asked if Dr. Bedell received the January 27, 2011 letter.

Dr. Bedell responded he delivered a copy of the Order to Dr. Duke and asked him to submit a letter to the Division. He stated he did receive the January 27, 2011 letter and his office manager, Sarah, has called Karen four (4) times and has never received a return call.

Ms. McCall responded she has never received a call from Sarah.

Ms. Taxin asked if maybe Sarah tried to call Ms. Harry.

Dr. Bedell responded maybe it was Ms. Harry. He stated he believed things were being taken care of.

Dr. Hermansen responded the Board has heard the comment before and yet information has not been submitted. He asked Dr. Bedell to explain his understanding of what it means to take responsibility.

Dr. Bedell responded he delivered the forms to Dr. Duke personally. He stated he has hired people to do certain things for him and he expects them to follow through.

Ms. Taxin explained once a supervisor is proposed she usually speaks to them personally or they meet in person or telephonically with the Board to discuss the Order and supervision expectations of the Board/Division. She stated when the letter agreeing to supervise and the resume are received then she contacts the proposed supervisor, approves them or reviews the contact with the Board to approve or deny. She stated she believes the supervisor report was quite short and it should be more detailed and specific.

Dr. Bedell responded he has an appointment with Dr. Duke tomorrow and will inform him.

Dr. Hermansen stated the comments in the chaperone log again have re-evaluation. He stated the Board requested in January that Dr. Bedell and the chaperone be more specific regarding patient visits.

Dr. Bedell asked if he should write in pain management.

Ms. Taxin responded if the appointment was for pain management and the chaperone was there for the appointment then, yes, he should write in pain management.

Dr. Hermansen responded depending on the purpose of the appointment he should write specifics such as; medical evaluation, new patient, injection given, new prescription, evaluation for a refill.

Dr. Hermansen then asked where Dr. Bedell is in completing the requested psychological evaluation.

Dr. Bedell responded he has talked with Dr. Houston three (3) times and this morning was his fourth (4th) contact with Dr. Houston and he has been unable to complete an evaluation. He stated he does not believe Dr. Houston is putting him off, he believes Dr. Houston is very busy.

Dr. Hermansen asked if Dr. Bedell has an alternative plan if Dr. Houston is unable to do the evaluation.

Dr. Bedell responded he could also contact Lisa Fraleigh.

Ms. Taxin informed Dr. Bedell of her contact with Dr. Houston and that he thought Dr. Bedell should go to another practitioner for the evaluation. She requested him to submit the information to her when he locates a licensed Physician who agrees to complete the evaluation prior to making an appointment so she can contact the evaluator to explain what the Board is requesting.

Dr. Hermansen stated Dr. Bedell is out of compliance and has been for a total of nine (9) months.

Dr. Bedell responded the Board has made changes to his conditions which are not required in his Order and they do not have the authority. He stated the Board bowed out and gave up their authority.

Ms. Taxin explained the Board has the authority and one of their responsibilities is to be sure all conditions and recommendations in the Order are met.

Dr. Hermansen stated Dr. Bedell is to contact Dr. Duke to submit the required letter and resume and to contact Ms. Taxin as she may approve Dr. Duke to supervise. He requested Dr. Bedell to contact Ms. Harry a few weeks prior to his appointments to confirm if all required reports have been submitted so he will still have time to get the reports in prior to his appointments.

Dr. Bedell again commented he thought everything had been submitted.

Ms. Taxin responded Dr. Bedell needs to do the follow through himself and not delegate it to others as this is his probation.

Dr. Bedell stated he will contact Ms. Harry this week. He stated Ms. Taxin's comment regarding Dr. Houston is the first he has heard that Dr. Houston would not do his evaluation.

Dr. Hermansen reiterated Dr. Bedell should contact Ms. Harry to follow up so he can report a verbal contact when he meets July 21, 2011. He also stated this is Dr. Bedell's probation and the responsibility should not be given to his staff to be sure information is submitted or contacts made.

Dr. Bedell responded the first six (6) months his supervisor was his probation officer and he did not realize Mr. Yonk was not doing his job as agreed upon.

Ms. Taxin stated Mr. Yonk could still submit a letter regarding how Dr. Bedell is doing on his court ordered probation. She then asked what his conversation was with Dr. Houston.

Dr. Bedell responded he requested Dr. Houston to call

Ms. Taxin and he has said he has not had a chance. Dr. Bedell stated he called Dr. Houston three (3) more times and this morning when he called he invited Dr. Houston to lunch to talk about doing the evaluation.

Dr. Bedell stated he will discuss the issue with Dr. Houston. He stated he refers patients to Dr. Houston and Dr. Houston needs to be up front with him regarding his intentions to do the evaluation or not.

Dr. Peterson commented the Board has had non-compliance with Dr. Bedell for the last nine (9) months and still information requested has not been submitted. He stated with that in mind the State will react appropriately.

Ms. Taxin informed Dr. Bedell that an Order to Show Cause for a hearing has been filed. She stated he should be receiving a letter in the next few weeks regarding the process as he has been out of compliance with his Stipulation and Order for the nine (9) months he has been on probation.

Dr. Bedell asked if the Board has the authority to request an Order to Show Cause.

Ms. Taxin responded yes. She stated when the Board makes recommendations and give advice to Dr. Bedell he should follow their direction. She stated he should show the Board respect when he meets with them. Ms. Taxin stated he did not show respect at his last appointment by saying only Mr. Steinagel had authority over him. She stated she was offended by his comments to the Board. She reminded Dr. Bedell he promised at the last meeting she would have specific information on her desk by Monday, January 24, 2011, yet nothing was submitted so she had Ms. McCall send a letter and still nothing was submitted. She stated his Order is quite simple in the requirements and he should never assume items are completed but should be making contact himself to verify.

Dr. Bedell responded he has respect for the Board. He asked if Ms. Taxin wanted him to contact her daily

regarding his information.

Ms. Taxin responded Dr. Bedell does not need to call her daily.

Dr. Bedell stated he has always been in compliance with his Order as his chaperone is always present.

Dr. Hermansen complimented Dr. Bedell on his calmness today.

Dr. Bedell responded he has a lot of adversarial conditions in his life. He stated he will meet with Dr. Duke tomorrow or by Monday. He stated he will talk with Sarah regarding her contact with Ms. Harry and will call Ms. Harry. Dr. Bedell stated he will also contact Dr. Houston and tell him how disappointed he is and then contact Lisa Fraleigh.

Ms. Taxin asked when the supervisor information will be received from Dr. Duke.

Dr. Bedell responded he did not know.

Ms. Taxin asked if she could expect it next week.

Dr. Bedell again responded he did not know.

Ms. Taxin asked Dr. Bedell to contact her with the correct spelling for Lisa Fraleigh and let her know if Dr. Houston or Lisa Fraleigh will be doing the evaluation so she can contact Dr. Fraleigh to be sure she understands what the Board is looking for in the evaluation. She again stated she must have the information prior to Dr. Bedell making an appointment or getting the evaluation. She stated the Board does not want to go through another quarter with Dr. Bedell out of compliance.

Dr. Bedell committed to call Ms. Taxin next week.

Ms. Taxin requested he call her by Tuesday, April 26, 2011 as she will out of the office on Wednesday and Thursday.

Mr. Barnes stated to reach Ms. Harry in person it is best to call her on Mondays and Wednesdays. He gave Dr. Bedell his card and stated if Dr. Bedell has a problem reaching Ms. Harry he may call him.

Dr. Bedell again stated Sarah called the Division as he was standing by her when she called Ms. Harry.

Ms. Taxin responded Sarah did call this week and Ms. Harry gave her some information. She stated other probationers who have chaperones take responsibility and do not give the responsibility of their probation to the chaperone. She stated Dr. Bedell should be reviewing the chaperone logs to be sure they are completed correctly. Ms. Taxin stated Sarah faxed the missing logs last night and all information needs to be submitted on or before the deadline but in a timely manner.

Ms. Taxin stated she believes Sarah is going out on maternity leave. She asked if Dr. Bedell is hiring a nurse to assist him.

Dr. Bedell responded he already has an APRN, Natalie, working for him and she will chaperone while Sarah is out. He stated he also has another receptionist, Shandy, who could act as chaperone. He stated he prefers female APRN's when he hires someone.

Mr. Barnes reminded him to have the person chaperoning fill out and submit the form.

Ms. Taxin asked if Dr. Bedell's patient load has decreased.

Dr. Bedell responded his APRN is doing most of the patient care now. He stated he prefers not entering a room with a female patient so most of the patients he is treating are male. He stated he is immediately available if Janette, the APRN, has questions.

Ms. Taxin stated she reviewed the log and it asks if the patient is male or female. She stated Dr. Bedell has not indicated any male patients.

Dr. Bedell responded he is not required to list male patients.

Ms. Taxin stated she is trying to understand what is going on in Dr. Bedell's practice when the log went from many pages of patients seen per month to 12 patients.

Dr. Bedell responded almost everything at the Ogden clinic will be medication evaluation. He stated if he is in a room with a female patient there is a document that requires the chaperone's signature saying they were in the room the entire time he was in there. He stated the clinic is not seeing fewer patients, but he is seeing fewer patients. Dr. Bedell stated he has a lot of industrial patients who are mostly male that are required to be seen by a Physician. He stated there are only four (4) or (5) female patients in that category. Dr. Bedell explained he enters the room after Sarah or Pam is in with female patients and he leaves prior to them leaving. He stated whether he is on probation or not he will continue this practice.

Ms. Taxin thanked Dr. Bedell for the explanation and again asked him to request Mr. Yonk to submit a letter to update the Board/Division on his court ordered probation.

The Board determined Dr. Bedell is out of compliance with his Stipulation and Order based on not having a pre-approved supervisor not submitting the required letter of agreement of supervision, resume, information submitted late and not obtaining the requested psychological evaluation.

An appointment was made for Dr. Bedell to meet again July 21, 2011.

Dr. Bedell left the meeting.

Dr. Hermansen commented he wanted to acknowledge Dr. Bedell's improvement in his tone as he believed Dr. Bedell needed reinforcement.

Dr. Ramsey commented it appears nothing that happens to Dr. Bedell is his fault and he believes he has done everything right. He stated it appears Dr. Bedell has not acknowledged any wrong doing on any subject.

Ms. Brown agreed with Dr. Ramsey.

Dr. Peterson suggested the Division and AG move forward with the Order to Show Cause.

Ms. Taxin asked if the Board wants the Order for Suspension put on hold if she receives Dr. Duke's information. She reminded the Board there was discussion at the last two meetings and still nothing has been received.

Dr. Peterson suggested Ms. Taxin move forward until Tuesday and if everything has been received then consider a stay of the suspension Order.

Ms. Taxin informed the Board that the Physicians Board has been requiring probationers to go to a program out of Utah for three days or more where they conduct a comprehensive evaluation of the whole person and it has been very valuable to the licensee and Division.

Ms. Taxin stated she has never had a probationer be so disrespectful to Board members and not take any responsibility for their actions. Ms. Taxin stated not seeing female patients and avoiding the issues will not help Dr. Bedell.

Ms. Brown commented she believes Dr. Bedell does not take the Board seriously and it is an inconvenience for him to meet.

Ms. Taxin stated if she has not received the requested information within a week she will have Ms. Jensen, AG, move forward with the Order to Show Cause. She voiced disappointment that the Board and Dr. Bedell are in the same place as they were at his first meeting.

10:15 am

Dr. Douglas D. Callahan, Probationary
Interview

Dr. Callahan met for his probationary interview.

Mr. Barnes was introduced.

Dr. Ramsey conducted the interview.

Dr. Ramsey informed Dr. Callahan he is in compliance with his Stipulation and Order. He stated Dr. Callahan's supervisor, Dr. LaRowe, has recommended termination of supervision and probation. Dr. Ramsey stated the CS database printout is about the same as it was the last time Dr. Callahan met but this printout looked a little different. He pointed out one patient received a one month supply of sleeping pills from two Pharmacies one day apart and one patient had two prescriptions the same day for the same medication.

Dr. Callahan responded he is not sure if the office called in the prescriptions, then he wrote them out and did not realize they had been written so wrote again. He stated he would follow up by checking the patient charts.

Dr. Ramsey stated today is officially Dr. Callahan's last meeting with the Board as his probation is scheduled to be completed today. He asked if Dr. Callahan had any comments.

Dr. Callahan responded he was requested at the last meeting to think about some things he has learned regarding the probation. He stated it has been a good experience for him and he has made several changes in his practice. He stated he feels better about his practice and the way he treats his patients. Dr. Callahan stated when a person first comes out of their education program they try to help everyone but he realizes now he did not help everyone as there are times when the practitioner has to say no to patients. He stated St. George is fortunate to have some practitioners working in specialty areas and there are quite a few pain clinics but there is a need for more

psychiatrists. Dr. Callahan stated he has learned to use these specialists. He stated documentation is another area where he has learned to write and think about what he is writing to make sure it makes sense.

Dr. Ramsey commented Dr. Callahan has reduced the amount of CS's he is writing but still writes a high number of CS's. He stated the Board realizes Dr. Callahan has modified his practice and is referring patients who have chronic pain to specialists. He stated the Board is appreciative of Dr. Callahan consistently being in compliance and always seeming willing to listen and make changes for the better. He cautioned Dr. Callahan to continue what he has learned.

Ms. Taxin asked if Dr. Callahan plans to continue working with Dr. LaRowe for a peer support system.

Dr. Callahan thanked Dr. Ramsey for his comments and stated yes, he does plan to continue to work with Dr. LaRowe for support.

Ms. Taxin stated if Dr. Callahan is not comfortable with prescribing to someone then he should not. She stated he should be sure he is not supporting patients for drug abuse. She also encouraged him to continue using the CS database.

Dr. Callahan responded the CS database has been a great help to him.

Dr. Peterson recommended Dr. Callahan be given a formal letter regarding successful completion of his probation in case he needs it for credentialing.

Ms. Taxin responded she would write a general letter for Dr. Callahan.

Dr. Ramsey made a motion to support termination of probation with all rights and privileges of his Osteopathic Physician license reinstated.

Dr. Nye seconded the motion.

10:30 am

Dr. Vaughn T. Johnson, Probationary
Interview

The Board vote was unanimous.

Dr. Callahan thanked the Board for all their help through his probation.

Dr. Johnson met for his probationary interview.

Dr. Hermansen conducted the interview.

Dr. Hermansen asked Dr. Johnson to briefly explain what brought him before the Board and his insight on the issues now.

Dr. Johnson responded he is on probation due to his interaction with a weight loss group. He stated he put a lot of faith in the group who just wanted to use Phentermine but it was his license on the line and he was uncomfortable with that type of practice. He explained he and his assistant were involved in a case where a young woman died in her sleep and it was discovered he had not documented appropriately. He stated they did not have good communication or good documentation on the case. He stated he is more diligent now and probation has helped him improve his practice by being sure he crosses the t's and dots the i's. He stated if someone picked up a progress report now they would see notes regarding what he is doing and how he is treating each patient. Dr. Johnson stated he is now doing more wellness treatment.

Dr. Hermansen thanked Dr. Johnson for sharing. He stated Dr. Johnson submitted a CE certification to document completion of a course but has not yet submitted the documentation on completion of the second course.

Dr. Johnson provided the second course certificate.

Dr. Hermansen asked if Dr. Johnson completed the assignment to write a practice plan on how he will supervise PA's.

Dr. Johnson responded he has not completed the

assignment as he was not sure what to write at this time as he is not supervising PA's and has not since being on probation.

Dr. Peterson commented Dr. Johnson may need to cover the PA supervision while his partner is on vacation this summer.

Dr. Johnson responded Dr. Peterson is correct he will need to supervise during vacation time. He stated will write the proposed plan and submit it.

Ms. Taxin informed Dr. Johnson there are updated Notification of Change forms and Delegation of Services forms. She suggested he review those forms and use them as a guide for his proposed supervision plan. She stated it will assist Dr. Johnson to have a procedure in place as the PA's are an extension of him as the Osteopathic Physician. She suggested he do some training meetings with the PA's, including his expectations.

The Board determined Dr. Johnson is in compliance with his Stipulation and Order.

An appointment was made for Dr. Johnson to meet again July 21, 2011.

DISCUSSION ITEMS:

Review Legislative Bills and Rule Updates

Ms. Taxin notified the Board of the following Statute changes:

1. House Bill (H.B.) 23, Controlled Substance Modifications;
2. H.B. 66 1 Sub, Health Professional Authority – Death Certificates;
3. H.B. 171 2 Sub, Abortion clinic Licensing;
4. H.B. 243, Occupations and Professions Amendments;
5. Senate Bill (S.B.) 61 2 Sub, Education for Prescribing Controlled Substances;
6. S.B. 134, Transparency in Health Care Provider Advertising;
7. S.B. 186, Utah Medical Practice Act Amendments; and

8. S. B. 248, Controlled Substance Database Amendments;

Ms. Taxin stated the Medical Assistant language was retained for direct and immediate supervision.

Ms. Taxin stated last year the law passed requiring practitioners with the CS license to take a tutorial and examination for prescribing Opioids and using the database when they renew their licenses, which is almost ready for licensees to complete.

Ms. Taxin asked if the Board had any questions or comments in regard to the Pharmacy Practice Act Rules drafted under R156-17b-310. She asked if the Board supported the proposed Rule changes.

The Board responded yes.

Dr. Nye stated Osteopathic Physicians are required to obtain 40 hours of CE. He asked if the Opioid requirement could count as part of those hours.

Ms. Taxin responded she believes the hours should count toward the required 40 total hours but will have to write the Rules and have the Boards and interested parties review.

Dr. Ramsey commented since Utah employs so many Physicians there should be a State wide program to offer.

Dr. Peterson commented FSMB conducted a survey which indicated after all the CE is completed it does not indicate any practice changes or quality of medicine changes. He stated the tests are taken with an open book which does not help anyone. He recommended there be a lecture and then have those in attendance respond to something. He stated even if behaviors do not change the practitioner has been present and taken the test.

Ms. Taxin stated it might be beneficial to have different modules for the practitioners to go to

different areas for the information.

Dr. Nye commented he is not sure the UMA is going to produce a course on Opioid training.

Ms. Taxin responded the Rule requires the Board/Division to develop a course. She stated the only area which is of concern are available courses on the State CS database and if Nursing would accept an AMA course.

Ms. Brown stated as a nurse she gives verbal orders as the Physicians ask her to.

Ms. Taxin explained the test would be for prescribing practitioners. She stated the Physicians renew in January 2012, the Osteopathic Physicians renew in May 2012 and she would like a letter to go out to all practitioners in September 2011 regarding the Opioid tutorial/test in order to have all practitioners complete it prior to the January renewal date.

Dr. Peterson suggested Ms. Taxin coordinate with the UMA and/or AOA to offer a course a couple of times a year and then have a module online for practitioners to go through an examination when they complete the course.

Ms. Taxin thanked Board members for suggestions and stated she could coordinate with the UMA and/or AOA but the examination will be only for those practitioners who are prescribing. She stated the goal is for the information to be a useful resource.

Dr. Peterson commented on Optometrists, APRN's and PA's dispensing Latisse and HCG. He voiced concern regarding the other professions chipping away at the practice of medicine.

Ms. Taxin responded the Physicians Board voiced the same concerns. She stated she will forward their concerns but it is a Statute change.

Dr. Hermansen stated he does not know the pharmacology training in Optometry education

and asked if they have the appropriate education.

Ms. Taxin clarified the Optometry Law allows for Optometrists to dispense Latisse only and not the HCG. She stated she is working with the UMA and some other Associations to have a discussion about Botox, cosmetic injections and laser treatments regarding which professions may do it, what education would be required, etc.

Ms. Taxin stated there is another change in the Medical Practice Act that does not affect the Osteopathic Physicians called Physician Educators.

Ms. Taxin stated she is developing the new application criteria for the Physician Educators as there are two (2) categories. She read the requirements for each category. Ms. Taxin stated she has contacted FSMB and they are working with her to develop a FCVS/ECFMG packet which will be required for licensure. She stated the Physicians Board will review the Rules for Physician Educators after they have been written.

She stated the UMA paralleled the MD and DO Laws which no longer requires the DO to complete the SPEX examination if applicants are applying by endorsement if it has been 5 years or more since they took the examinations. She stated the new Law will allow Dr. Childs to meet requirements.

Ms. Taxin stated she will give the Board a copy of the fine schedule information for them to review when she completes the Rule.

The Board thanked Ms. Taxin for the information.

Ms. Taxin reminded the Board that she, Dr. Hermansen from the Osteopathic Physicians Board and Dr. Howell from the Physicians Board will attend the FSMB conference in Seattle, Washington next week. She stated they will report to the respective Boards at the next scheduled meeting the information presented.

FYI

CORRESPONDENCE:

Frances Cain, FSMB & NBME, Letter and Information regarding the Enhanced SPEX through PLAS

Ms. Taxin stated she reviewed the information and determined the changes will make the SPEX examination a better examination.

No Board action was taken.

July 21, 2011 Board Meeting

Dr. Nye informed the Board that he will not be present for the July 21, 2011 meeting.

NEXT MEETING SCHEDULED FOR:

July 21, 2011

ADJOURN:

The time is 12:16 pm and the Board meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

Date Approved

Chairperson, Utah Osteopathic Physician & Surgeon's
Licensing Board

May 23, 2011
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational &
Professional Licensing